

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)
application of:)
Zdeblick et al.)
Serial No. New Application)
Filed Herewith)
SPINAL FUSION IMPLANTS AND) Atty Docket No. 4002-3362 /PC566.02
TOOLS FOR INSERTION AND REVISION)

INFORMATION DISCLOSURE STATEMENT

Hon. Assistant Secretary and
Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R § 1.56 and 1.98;
Applicant discloses the following references on the attached Information Disclosure
Citation Form.

This information has not been previously submitted in this application by
Applicant. Copies of the listed references are not being provided pursuant to 37 C.F.R.
§1.98(d) since they were previously submitted in the parent application, Serial No.
09/502,731, filed February 11, 2000.

Express Mail Label No. **EV33272380845**

Date of Deposit **July 22, 2003**

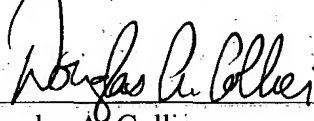
I hereby certify that this paper or fee is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above
and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Patricia E. Allgood
Patricia E. Allgood

The filing of this information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or that any information cited is prior art.

This Statement is being submitted with the filing of the application. Therefore no fees are believed due for its consideration. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted:

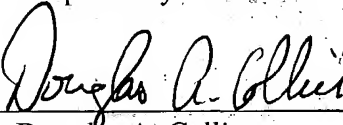


Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Moriarty
McNett & Henry LLP
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

REMARKS

This amendment has been presented to replace priority claim on page 1 in the first paragraph after the Background of the Invention heading. Entry of this amendment and examination of the present application as amended is hereby requested.

Respectfully submitted:

By: 
Douglas A. Collier
Reg. No. 43,556
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 8				Atty. Docket No. 4002-3362/PC566.02		Serial No. New Application	
				Applicant Thomas Zdeblick et al.			
				Filing Date Herewith		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	1	*4,714,469	12/87	Kenna	623/17		
	2	*4,834,757	5//89	Brantigan	623/17		
	3	*5,055,104	10/91	Ray	606/61		
	4	*5,443,514	8/95	Steffee	623/17		
	5	*D377,095	12/96	Michelson	D24/155		
	6	*5,609,636	3/97	Kohrs, et al.	623/17		
	7	*5,766,253	6/98	Brosnahan, III	623/17		
	8	*5,766,252	6/98	Henry, et al.	623/17		
	9	*5,306,309	4/94	Wagner, et al.	623-17		
	10	*5,425,772	6/95	Brantigan	623/16		
	11	*4,627,853	12/86	Campbell, et al.	623/16		
	12	*5,683,463	11/97	Godefroy, et al.	623/17		
	13	*4,820,305	4//89	Harms, et al.	623/16		
	14	*5,514,180	5/96	Heggeness, et al.	623/17		
	15	*4,545,374	10/85	Jacobson	128/303		
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation Yes No
	1	*EP 646366	5/95	Europe	A61F2/44		
	2	*EP 637440	8/95	Europe	A61F2/44		
	3	*EP 077159	10/82	Europe	A61B17/00		
	4	*WO96/22747	8/96	PCT	A61F2/44		
	5	*WO 94/11040	5/94	PCT	A61M5/ 178		
Examiner				Date Considered			
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				Filing Date Herewith		Group		
U.S. PATENT DOCUMENTS								
*Examiner Initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate		
	16	*4,573,448	3/86	Kambin	128/1			
	17	*5,489,307	2/96	Kuslich, et al.	623/17			
	18	*5,591,235	1/97	Kuslich	623/17			
	19	*5,423,816	6/95	Lin	606/61			
	20	*4,736,738	4/88	Lipovsek, et al.	128/92			
	21	*5,484,437	1/96	Michelson	606/61			
	22	*3,486,505	12/69	Morrison	128/303			
	23	*4,309,777	1/82	Patil	3/1.91			
	24	*5,601,556	2/97	Pisharodi	606/61			
	25	*5,562,736	10/96	Ray, et al.	623/17			
	26	*5,439,464	8/95	Shapiro	606/83			
	27	*4,863,476	9/89	Shepperd	623/17			
	28	*5,669,909	9/97	Zdeblick, et al.	606/61			
	29	*D377,096	12/96	Michelson	D24/155			
	30	*5,702,451	12/97	Biedermann et al.	623/17			
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No
	6	*EP 0179695	9/85	Europe	A61F2/44			
	7	*WO 90/00037	1/90	PCT	A61F2/44			
	8	*WO 91/06261	5/91	PCT	A61F2/44			
	9	*DE 3505567A	6/86	Germany	A61F2/28			
	10	*WO 95/15133	6/95	PCT	A61F2/44			
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				Applicant Thomas Zdeblick et al.			
				Filing Date Herewith		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	32	*5,723,013	3/98	Jeanson et al.			
	33	*5,980,522	11/99	Koros et al.	623/17		
	34	*D397,439	8/98	Koros et al.	D24/155		
	35	*5,554,191	9/96	Lahille et al.	623/17		
	36	*5,609,635	3/97	Michelson	623/17		
	37	*5,888,228	3/99	Knothe et al.	623/17		
	38	*5,683,394	11/97	Rinner	606/61		
	39	*5,658,285	8/97	Marnay et al.	606/61		
	40	*5,609,635	3/97	Michelson	606/61		
	41	*5,489,308	2/96	Kuslich et al.	623/17		
	42	*5,423,817	6/95	Lin	623/17		
	43	*4,904,261	2/90	Dove et al.	623/17		
	44	*4,917,704	4/90	Frey et al.	623/17		
	45	*4,932,975	6/90	Main et al.	623/17		
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation Yes No
	11	*EP 0635246	1/95	Europe	A61F2/44		
	12	*WO 87/07827	12/87	PCT	A61F2/44		
	13	*WO 95/08306	3/95	PCT	A61F2/44		
	14	*FR 2710519A1	9/93	France	A61B17/70		
	15	*CA 2,015,507	4/90	Canada	A61F2/44		
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				Applicant Thomas Zdeblick et al.			
				Filing Date Herewith		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate	
	46	*4,936,848	6/90	Bagby	623/17		
	47	*4,961,740	10/90	Ray et al.	606/61		
	48	*5,002,576	3/91	Fuhrmann et al.	623/17		
	49	*5,015,247	5/91	Michelson	606/61		
	50	*5,030,474	7/91	Saita et al.	427/2		
	51	*5,062,850	11/91	MacMillan et al.	623/17		
	52	*5,068,122	11/91	Kokubo et al.	427/2		
	53	*5,071,437	12/91	Steffee	623/17		
	54	*5,128,169	7/92	Saita et al.	427/2		
	55	*5,133,755	7/92	Brekke	623/16		
	56	*5,147,402	9/92	Bohler et al.	623/16		
	57	*5,147,404	9/92	Downey	623/17		
	58	*5,164,187	11/92	Constantz et al.	424/423		
	59	*5,188,670	2/93	Constantz	118/667		
	60	*5,192,327	3/93	Brantigan	623/17		
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	16	*WO 92/14423	9/92	PCT			
	17	*WO 94/26893	11/94	PCT			
Examiner				Date Considered			
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				Filing Date Herewith		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	61	*5,207,710	5/93	Chu et al.	623/16		
	62	*5,236,456	8/93	O'Leary et al.	623/16		
	63	*5,236,460	8/93	Barber	623/17		
	64	*5,258,029	11/93	Chu et al.	623/16		
	65	*5,279,831	1/94	Constantz et al.	424/423		
	66	*5,282,861	2/94	Kaplan	623/16		
	67	*5,290,312	3/94	Kojimoto et al.	623/17		
	68	*5,306,307	4/94	Senter et al.	623/17		
	69	*5,306,310	4/94	Siebels	623/17		
	70	*5,300,826	7/94	Taylor et al.	428/216		
	71	*5,338,433	8/94	Maybee et al.	205/178		
	72	*5,344,654	9/94	Rueger et al.	424/423		
	73	*5,348,026	9/94	Davidson	128/898		
	74	*5,360,430	11/94	Lin	606/61		
	75	*5,366,508	11/94	Brekke	623/16		
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation
							Yes No
Examiner				Date Considered			
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Serial No.
New Application

Applicant
Thomas Zdeblick et al.

Filing Date
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Group

U.S. PATENT DOCUMENTS

*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	76	*5,397,364	3/95	Kozak et al.	623/17		
	77	*5,405,391	4/95	Hednerson et al.	623/17		
	78	*5,443,515	8/95	Cohen et al.	623/17		
	79	*4,458,638	10/95	Kuslich et al.	623/17		
	80	*5,593,409	1/97	Michelson	606/61		
	81	*5,645,591	7/97	Kuberasampath	623/16		
	82	*5,645,598	7/97	Broshnahan, III	623/17		
	83	*RE34,037	8/92	Inoue et al.	604/93		
	84	*3,848,601	11/74	Ma et al.	128/305		
	85	*4,309,777	1/82	Patil	3/1.91		
	86	*4,349,921	9/82	Kuntz	3/1		
	87	*4,501,269	2/85	Bagby	128/92		
	88	*4,526,909	7/85	Urist	523/115		
	89	*4,596,574	6/86	Urist	623/16		
	90	*4,599,086	7/86	Doty	623/27		

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No

Examiner

Date Considered

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				Filing Date Herewith		Group	
Sheet 7 of 8							
U.S. PATENT DOCUMENTS							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	91	*4,743,256	5/88	Brantigan	623/17		
	92	*4,759,766	7/88	Buettner-Janz	623/17		
	93	*4,772,287	9/88	Ray	623/17		
	94	*4,834,757	5/89	Brantigan	623/17		
	95	*4,877,020	10/89	Vich	128/92		
	96	*4,878,915	11/89	Brantigan	623/17		
	97	*4,892,545	1/90	Day et al.	623/17		
	98	*6,447,544	09/2002	Michelson	623/17.16		
	99	*6,478,823	111/2002	Michelson	623/17.16		
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation Yes No
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		Applicant Thomas Zdeblick et al.	
		Filing Date Herewith	Group
Page 8 of 8		PUBLICATION	
Examiner Initial			
	1	<u>*Replacement of the Lumbar of Sheep with Ceramic Prostheses</u> , Yamamuro, Shikata, Okumura, Kitsugi, Kakutani, Matsui, Kokubo; The Journal of Bone and Joint Surgery; Vol. 72-B, No. 5, September 1990	
	2	<u>*Healing Segmental Femoral Defects in Sheep Using Recombinant Human Bone Morphogenetic Protein</u> , Gerhart, Kirker-Head, Kriz, Holtrop, Hennig, Hipp, Schelling, Wang, Clinial Orthopaedics and Related Research, Number 293, pp. 317-326, 1993	
	3	<u>*The Treatment of Certain Cervical-Spine Disorders by Anterior Removal of the Intervertebral Disc and Interbody Fusion</u> , Smith, Robinson; The Journal of Bone and Joint Surgery; Vol. 49-a, No. 3, June 1958	
Examiner		Date Considered	
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